

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL FIOCCA	:	CIVIL ACTION
	:	
v.	:	
	:	
CITY OF PHILADELPHIA	:	NO. 10-1289

O R D E R

AND NOW, this 28th day of March 2011, upon
consideration of the pending motions and the responses thereto,
IT IS ORDERED:

1. That the defendant's Motion to Dismiss the
plaintiff's Second Amended Complaint is GRANTED IN PART AND
DENIED IN PART. The Motion is GRANTED as to Count I, which is
dismissed, and DENIED as to Count II.

2. That the plaintiff's Motion for Leave to Amend
Plaintiff's Second Amended Complaint is DENIED.

3. That the defendant shall file an answer to the
Second Amended Complaint within 20 days of the date of this
Order.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.